BORA LASKIN LAW LIBRARY
3 1761 06095466 6

CRIMINAL LAW THEORY

Alan Brudner

FACULTY OF LAW
UNIVERSITY OF TORONTO

These materials are reproduced solely for the use of students
in the Faculty of Law, University of Toronto

2006

BORA LASKIN LAW LIBRARY
NOV 2 2 2005
FACULTY OF LAW
UNIVERSITY OF TORONTO

CRIMINAL LAW THEORY

I Punishment

Jean Hampton, An Expressive Theory of Retribution..... 1
Russ Shafer Landau, The Failure of Retribution.....26
Mark Thornton, Against Retributivism.....37
Alan Brudner, In Defence of Retributivism.....46
H.L.A. Hart, Prolegomenon to the Principles of Punishment.....53

II Culpable Mind

1. Why Mens Rea?

Michael Bayles, Character, Purpose and Criminal Responsibility.....67
Michael Moore, Choice, Character, and Excuse.....76
H.L.A. Hart, Punishment, and the Elimination of Responsibility.....92
Jean Hampton, Mens Rea.....106

2. What Mens Rea?

H.L.A. Hart, Negligence, Mens Rea, and Criminal Responsibility.....121
Antony Duff, Recklessness.....133
Jeremy Horder, Gross Negligence and Criminal Culpability.....154
Arthur Ripstein, Mistakes.....168

III Wrongful Act

1. Normative Justification

Michael Moore, Act and Crime.....185
Douglas Husak, Does Criminal Liability Require an Act?..... 198

2. Omissions

George Fletcher, Rethinking Criminal Law.....214
Joel Feinberg, Harm to Others.....240

IV Results

1. Should Consequences Matter?

Andrew Ashworth, Sharpening the Subjective Element in Criminal Liability.....271
Antony Duff, Chance, Control, and Culpability.....277

2. Responsibility for Outcomes.

H.L.A. Hart, Punishment and Responsibility..... 288
Itzhak Kugler, Direct and Oblique Intention on the Criminal Law.....300
Alan Brudner, Proportionality, Stigma, and Discretion.....308

V Mental Disorder

Antony Duff, Mental Disorder and Criminal Responsibility..... 318
Alan Brudner, Insane Automatism: A Proposal for Reform..... 327

VI Justification

Paul Robinson, Deeds and Reasons.....346
George Fletcher, The Nature of Justification..... 360
Alan Brudner, A Theory of Necessity..... 367
Jeremy Horder, Self-Defence, Necessity, and Duress..... 383

VII Excuse and Mitigation

Immanuel Kant, The Right of Necessity..... 406
Joshua Dressler, Exegesis of the Law of Duress.....407
Jeremy Horder, Provocation and Responsibility, Chapter 8.....426
Dennis Klimchuk, Outrage, Self-Control, and Culpability.....441
Douglas Husak, Partial Defences.....455

VIII Strict Liability

Larry Alexander, Reconsidering the Relationship, etc. 481
Alan Brudner, Imprisonment and Strict Liability.....493